

STATE OF MINNESOTA

FILED

DISTRICT COURT

COUNTY OF SCOTT

NOV 06 2009 A

FIRST JUDICIAL DISTRICT

SCOTT COUNTY COURTS

Case Type: Mechanic's Lien Foreclosure

In re M.W. Johnson Construction, Inc.
Mechanic's Lien Foreclosure Litigation

Consolidated Master Court File: 70-CV-09-7343

Judge: Jerome B. Abrams

Stewart Plumbing, Inc.,

Scott County Court File: 70-CV-09-7942

Plaintiff,

Dakota County Court File: 19HA-CV-08-2205
(Consolidated with 19HA-CV-08-1269)

vs.

**STIPULATION OF DISMISSAL WITH
PREJUDICE;**

Jacob C. Bursott and Cheryl Crane,
AmTrust Bank, FSB, RBC Centura
Bank, Mortgage Electronic Registration
Systems, Inc., John Doe, Mary Roe,
XYZ Corporation, and ABC
Partnership,

**ORDER FOR DISMISSAL WITH
PREJUDICE AND JUDGMENT**

Defendants.

and

84 Lumber Company, a Pennsylvania
Limited Partnership,

Plaintiff,

vs.

Jacob C. Bursott; Cheryl Crane;
Stewart Plumbing, Inc.; RBC Centura
Bank, a North Carolina banking
corporation; Mortgage Electronic
Registration Systems, Inc.; AmTrust
Bank; John Doe; Mary Roe; ABC
Corporation and XYZ Partnership
whose true name are unknown,

Defendants.

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SCOTT COUNTY COURTS

IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Stewart Plumbing Inc. ("Stewart"), Plaintiff 84 Lumber Company, Defendant Jacob Bursott, Cheryl Crane and Defendant Mortgage Electronic Registration Systems, Inc., as nominee for AmTrust Bank, by and through their undersigned attorneys as follows:

1. All claims by Stewart and 84 Lumber against all of the above-named Defendants and against that certain real property located in Dakota County, Minnesota, legally described as: "Lot 7, Block 1, Rayspark" shall be dismissed with prejudice, on the merits and in their entirety, and without an award of costs, disbursements or attorneys' fees to any party.

2. Any party to this Stipulation, without prior notice to any other party, may cause an Order for Judgment to be entered herein.

CHRISTENSEN & LAUE, P.A.

Dated: October 5, 2009

By: 

Susanne M. Glasser (#0272978)

5101 Vernon Avenue South, Suite 400

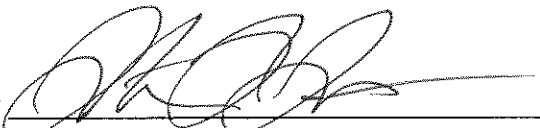
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Attorney for Plaintiff Stewart Plumbing, Inc.

COLEMAN, HULL & VAN VLIET, PLLP

Dated: October 5, 2009

By 

Katherine M. Melander (#180464)

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Attorneys for Defendants

Nicole Bruch, Kenneth Kes, Jr.

and Ohio Savings Bank, FSB

HELTZER & BURG, P.L.C.

Dated: October 5th, 2009

By 

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Attorneys for Plaintiff 84 Lumber Company

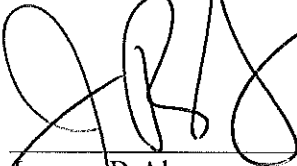
ORDER FOR DISMISSAL WITH PREJUDICE AND JUDGMENT

Pursuant to the foregoing Stipulation of Dismissal entered into by and among Plaintiff Stewart Plumbing, Inc. ("Stewart"), Plaintiff 84 Lumber Company ("84 Lumber") Defendant Jacob C. Bursott, Defendant Cheryl Crane and Defendant Mortgage Electronic Registration Systems, Inc., by and through their attorneys, the Court makes the following **ORDER**:

1. The parties Stipulation of Dismissal is hereby approved in all respects.
2. All claims by Stewart and 84 Lumber against all of the above-named Defendants and that certain real property located in Dakota County, Minnesota, legally described as: "Lot 7, Block 1, Rayspark" are hereby dismissed **WITH PREJUDICE**, on the merits and in their entirety, and without an award of costs, disbursements or attorneys' fees to any party.

THERE BEING NO JUST REASON FOR DELAY, LET JUDGMENT BE ENTERED FORTHWITH.

BY THE COURT:



Jerome B Abrams
Judge of District Court
Consolidated Master Court File No. 70-CV-09-7343
Court File No. 70-CV-09-7942

Dated: 11-5, 2009

JUDGMENT

I DO HEREBY CERTIFY THAT THE FOREGOING ORDER
CONSTITUTES THE JUDGMENT OF THIS COURT.

DATE 11-6-09
GREGORY M. ESS
COURT ADMINISTRATOR, SCOTT COUNTY, MINN.

DEPUTY Audrey L. Brown